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August 22, 2011

VIA ECF AND REGULAR MAIL

The Honorable Esther Salas
United States District Court Judge
Martin Luther King Building
& U.S. Courthouse
50 Walnut Street Room 4015
Newark, NJ 07101

+Certified by the Supreme Court of
New Jersey as a Matrimonial Attorney
++Certified by the Supreme Court of
New Jersey as a Civil Trial Attorney
+++Certified by the Supreme Court of
New Jersey as a Criminal Trial Attorney

*NJ & PA Bars
**NJ & NY Bars
***NJ, NY & PA Bars
****NJ, NY, PA & FL Bars
*****NJ, PA, MD & DC Bars

Re: Santomenno et al. Transamerica Life Ins. Co., et al.
Civil Action No. 11-736 (ES)(PS)

Dear Judge Salas:

On Friday, August, 19, 2011, Plaintiffs filed their briefs in oppositions to the Defendants' Motions to Dismiss. Also, on August 19, 2011, the Third Circuit Court of Appeals issued its ruling in the case of Renfro v. Unisys Corp., No. 10-2447, affirming the District Court's decision. Both the District Court and the Court of Appeals in Renfro analyzed the ERISA definition of fiduciary at issue in this matter. The Defendants relied upon the District Court's opinion in this case in their Motions to Dismiss, and Plaintiffs' believe that the Third Circuit's holding and analysis is relevant to both their claims and the defenses put forth by the Defendants. Plaintiffs, had hoped to incorporate the Third Circuit's holdings into their brief. However, given that their brief was also due on August 19, 2011, Plaintiffs realized that they did not have a sufficient amount of time to adequately do so.

In light of the Renfro decision, Plaintiffs would like to revise their brief to address the Third Circuit's opinion and its impact on several of their arguments. We respectfully request leave to refile our Brief in Opposition to the Defendants' Motions to Dismiss until September 1, 2011.

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This will provide us with sufficient time to analyze Renfro, and modify our brief to incorporate the Third Circuit's analysis.

The Defendants have consented to this extension request and have asked in return that the time to file their Reply Briefs be extended through September 19, 2011. Plaintiffs consent to this request.

Accordingly, the Plaintiffs respectfully request the entry of an order allowing Plaintiffs to file a revised Brief in Opposition to the Defendants' Motions to Dismiss to September 1, 2011, and that the time for the Defendants to submit their Reply Briefs be extended through September 19, 2011. We have included a "So Ordered" provision at the end of this letter in the hope that this is acceptable.

Thank you.

Respectfully Submitted,


Robert L. Lakind

cc: Robert Eccles, Esq. (via email)
Thomas Curtin, Esq. (via ECF and email)

SO ORDERED this _____ day of ___, 2011.

HONORABLE ESTHER SALAS
United States District Judge